

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
AIU INSURANCE CO., *et al.*,

Plaintiffs,

-against-

OLMECS MEDICAL SUPPLY, INC., *et al.*,

Defendants.
-----X

REPORT AND
RECOMMENDATION

04 CV 2934 (ERK) (RML)

LEVY, United States Magistrate Judge:

By order dated October 11, 2005, this court directed defendant Jean Pratt Daniel (“Daniel”) to respond or object to all outstanding discovery requests by October 21, 2005. When Daniel failed to do so, this court issued a second order, dated November 23, 2005, directing him to submit a written explanation by December 2, 2005 for his failure to comply with the earlier order, to respond to all outstanding discovery requests by December 5, 2005, and to respond by December 5, 2005 to plaintiffs’ counsel’s request that he be required to pay \$1750 in attorney’s fees as a result of his failure to comply with the discovery orders in this case. The order advised Daniel that his “failure to comply with this Order will likely result in sanctions, including a possible recommendation that a default judgment be entered against him.” To date, Daniel has failed to comply with that order or to communicate with the court or plaintiffs’ counsel. (See Letter of Jay Shapiro, Esq., dated Dec. 7, 2005.) I therefore respectfully recommend that (1) a default judgment be entered against defendant Jean Pratt Daniel for his continued and repeated failure to comply with his discovery obligations and with the orders of this court, and (2) that Daniel be required to pay plaintiffs’ counsel’s attorney’s fees in the amount of \$1,750. Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with

courtesy copies to Chief Judge Korman and to my chambers, within ten (10) business days.

Failure to file objections within the specified time waives the right to appeal the district court's order. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a); 6(e).

Respectfully submitted,

_____/s
ROBERT M. LEVY
United States Magistrate Judge

Dated: Brooklyn, New York
January 5, 2006